

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ROBERT E. DUTHIE, JR.

Application No. 09/903,825

MAILED

FEB 23 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 11, 2006, appellant timely filed a Reply Brief. There is no indication on the record that this paper was properly acknowledged by the examiner.

37 CFR § 41.43(a)(1) states:

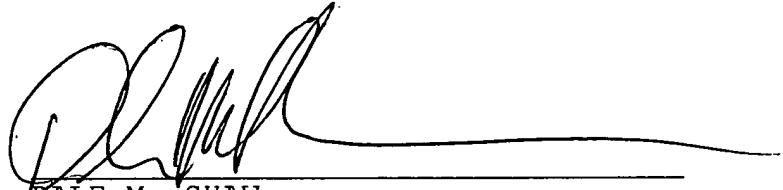
After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief.

Accordingly, it is

**ORDERED** that the application is returned to the examiner to:

- provide appropriate notification to appellant of said consideration of the Reply Brief; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



DALE M. SHAW  
Program and Resource Administrator  
(571) 272-9797

DMS:hh

MARTIN G. LINIHAN  
HODGSON RUSS, LLP  
STE. 2000  
ONE M&T PLAZA  
BUFFALO, NY 14203-2391